

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for April 28, 2004 PLANNING COMMISSION MEETING

P.A.S.: Waiver #04006

PROPOSAL: Waive right-of-way, sidewalks, street trees and public water mains associated with Braun 1st Addition final plat.

LOCATION: W. Stockwell St. and S. Folsom St.

LAND AREA: 2.39 acres, more or less

CONCLUSION: The purpose of this plat is to adjust lot lines between two existing lots. Based on the fact that only an interior lot line is being moved the waivers are justified.

<u>RECOMMENDATION:</u>	Waiver to right of way	Conditional Approval
	Waiver to sidewalks	Approval
	Waiver to Street trees	Approval
	Waiver to water mains	Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lots 1 and 2, Braun Addition located in the SW 1/4, Section 3, Township 9 North, Range 6 East, Lancaster County, Nebraska.

EXISTING ZONING: R-3, Residential

EXISTING LAND USE: Single family residential

SURROUNDING LAND USE AND ZONING:

North: R-3 Residential	Single family residential
South: P-Public	Water tower and rural fire station
R-3 Residential	Single family residential
East: R-3 Residential	Single family residential
West: R-3 Residential	Single family residential

HISTORY:

February 5, 2004 Braun 1st Addition final plat was submitted to the Planning Department.

October 31, 2003 Braun Addition final plat was approved by the Planning Director.

August 25, 2003 Waiver #03008 granted a waiver to a water distribution system, and additional right-of-way associated with Braun Addition final plat.

UTILITIES:

The area is served by city sanitary sewer and water wells. A new city water main being constructed on Folsom St. will stop at Calvert St., north of the applicant's property.

TRAFFIC ANALYSIS:

Stockwell St. is a rural gravel street.

S. Folsom St. is a paved rural cross section street. The 2025 Comprehensive Plan designates S. Folsom as a minor arterial. S. Folsom St is shown as a proposed project for 2009 and beyond in the 2003-2009 Capital Improvement Program.

ANALYSIS:

1. This request is to waive right-of-way(ROW), sidewalks, street trees and water mains associated with a final plat.
2. This application is in association with Braun 1st Addition Final Plat #04014.
3. The area has two existing houses. Each house is served by city sanitary sewer and a private water well.
4. A waiver to street right-of-way and water mains were previously granted with Braun Addition final plat. Waivers are not tied to the land. Therefore, any subsequent plats have to request waivers, even those previously approved. A waiver to sidewalks and street trees were not previously required because the previous plat showed all lots one acre or larger in size. The land subdivision ordinance allows for a waiver to sidewalks and street trees when all lots in the subdivision are one acre or more in area. (Sec. 26.27.020 and 26.27.090)
5. The existing garage and house are nonstandard because they do not meet the current front yard setback for the R-3 district. When there is a corner lot there shall be a required front yard on each street side. The front yard setback for R-3 is 20'.
6. The request to waive the ROW width is associated with Braun 1st Addition plat. The final plat shows the required street dedication along W. Stockwell St. except for 20 feet adjacent the garage. The Land Subdivision Ordinance requires that streets meet minimum ROW width. W. Stockwell St. is required to have 60' total ROW. The existing ROW from the centerline of W. Stockwell St. currently varies from 25' to 27.5' to 30'. There is an existing garage that is located one foot inside the property line. With the additional ROW, the garage would be 1.5' inside the ROW. The applicant has stated that the garage is attached to a foundation and was built at the same time as the house, approximately 1920. The relocating or construction of a new garage would create an undue burden on the property owner just to move the lot line between two lots. The garage could remain, if the applicant signs a subdivision agreement tied to the plat that states that at the time West Stockwell St. is

improved the owner will dedicate the required additional right-of-way at no cost to the City and move the garage.

7. The City has received a request to annex a portion of this neighborhood, including the applicant's property, to provide City water.
8. The applicant has also requested a waiver to Section 26.27.030 requiring a water distribution system constructed in conformance with the water main design standards of the city. Both properties are served by private water wells. This area is scheduled to be annexed in the near future, so City water can be provided to neighbors. The abutting land owners are not required to connect to the public water in the abutting street. The water well must be licensed and renewed each year.
9. There are no sidewalks on W. Stockwell St. or S. Folsom St. The waiver to sidewalks is acceptable if the applicant signs a subdivision agreement to not object to any future sidewalk construction district.
10. The waiver to street trees pertains to W. Stockwell St. There are existing street trees on S. Folsom St. The City's Design Standards requires street trees to be planted in the right-of-way on local streets. W. Stockwell St is a rural gravel street with no curb or gutter. If trees were to be planted, there is the possibility that the trees would be destroyed with any future street widening project.

Prepared by:

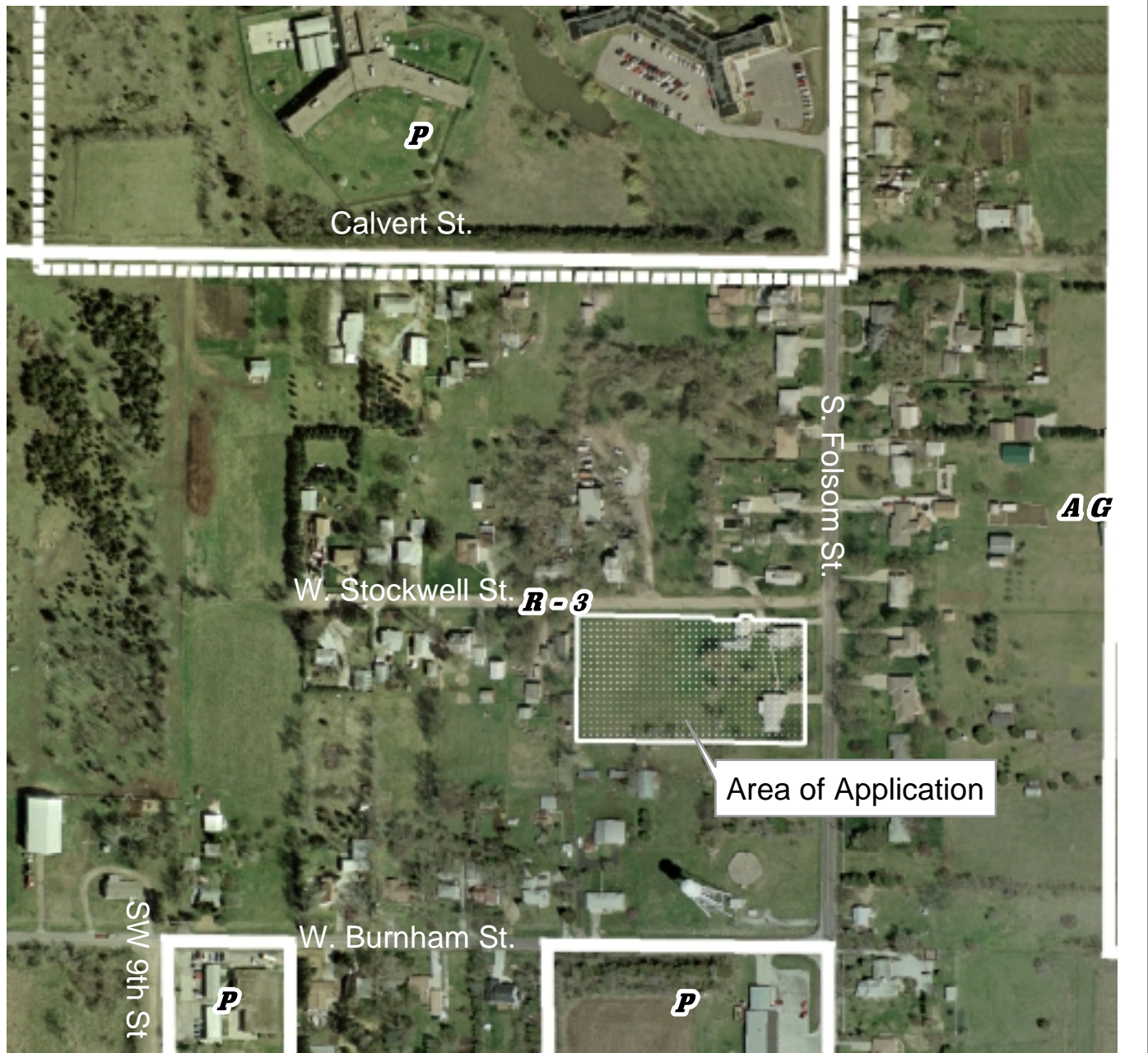
Tom Cajka
Planner

DATE: April 9, 2004

APPLICANT Brent T. Braun
3921 Folsom St.
Lincoln, NE 68522
(402) 423-3912

OWNER: same as applicant

CONTACT: same as applicant



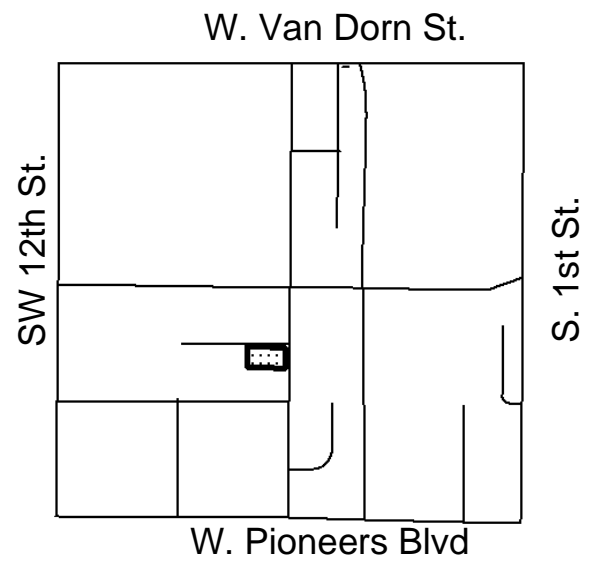
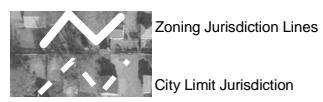
2002 aerial

Waiver #04006 **S. Folsom and W. Stockwell**

Zoning:

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

One Square Mile
 Sec. 3 T9N R6E



Official Survey Record

ALLIED SURVEYING AND MAPPING, INC.

Phone (402) 434-2686

Fax (402) 434-2687

6120 South 58th Street - Suite "A" - Lincoln, Nebraska 68516

LANCASTER County, Nebraska

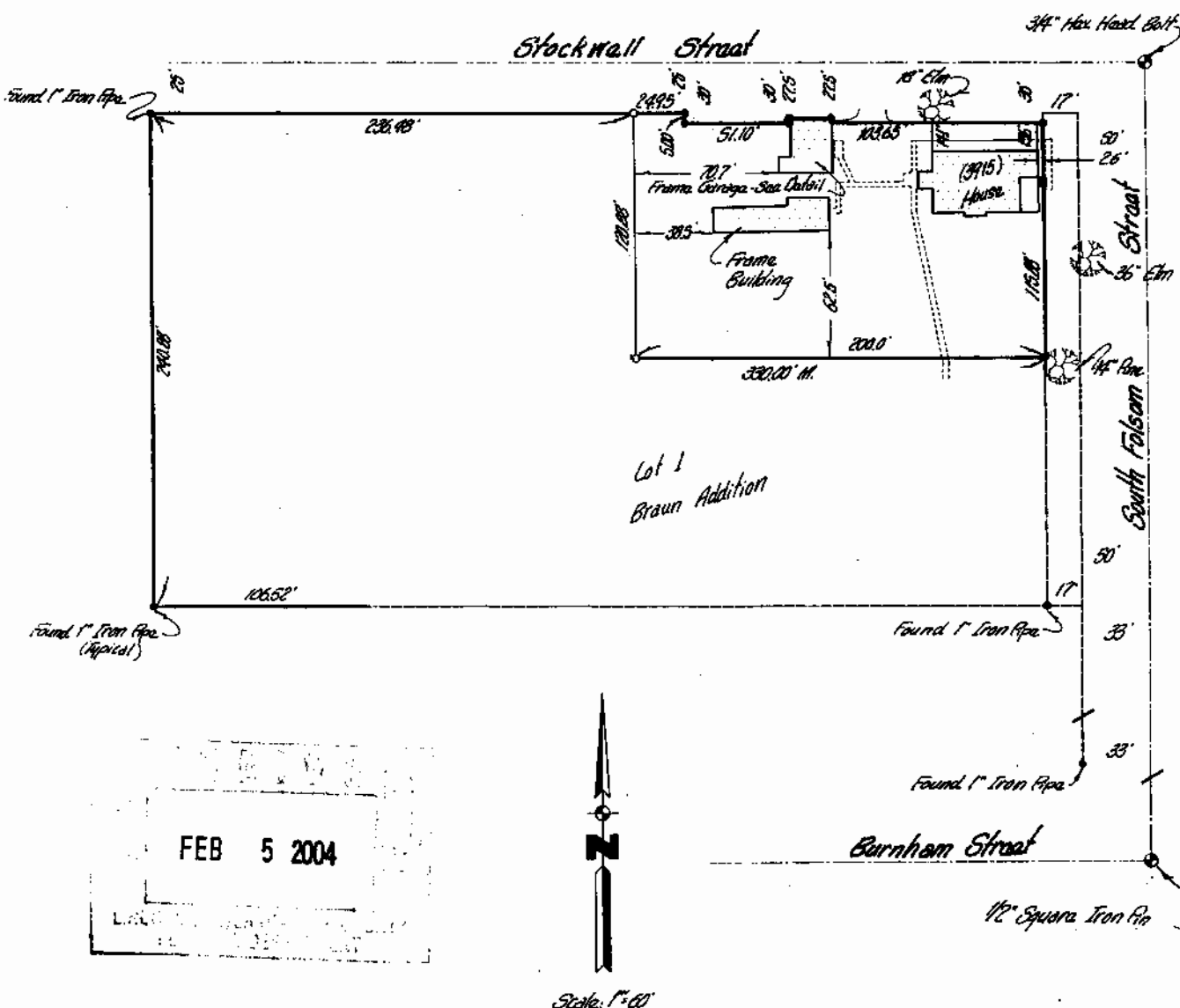
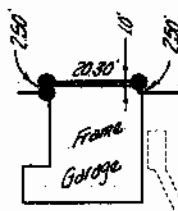
Survey of Lot 2, BRAUN ADDITION located in the Northeast 1/4 of the Southwest 1/4
of Section 3 T. 9 N., R. 6 East of the 6th P.M.

Job No. 32940

Sheet 1 of 1

February 2, 2004

Detail:

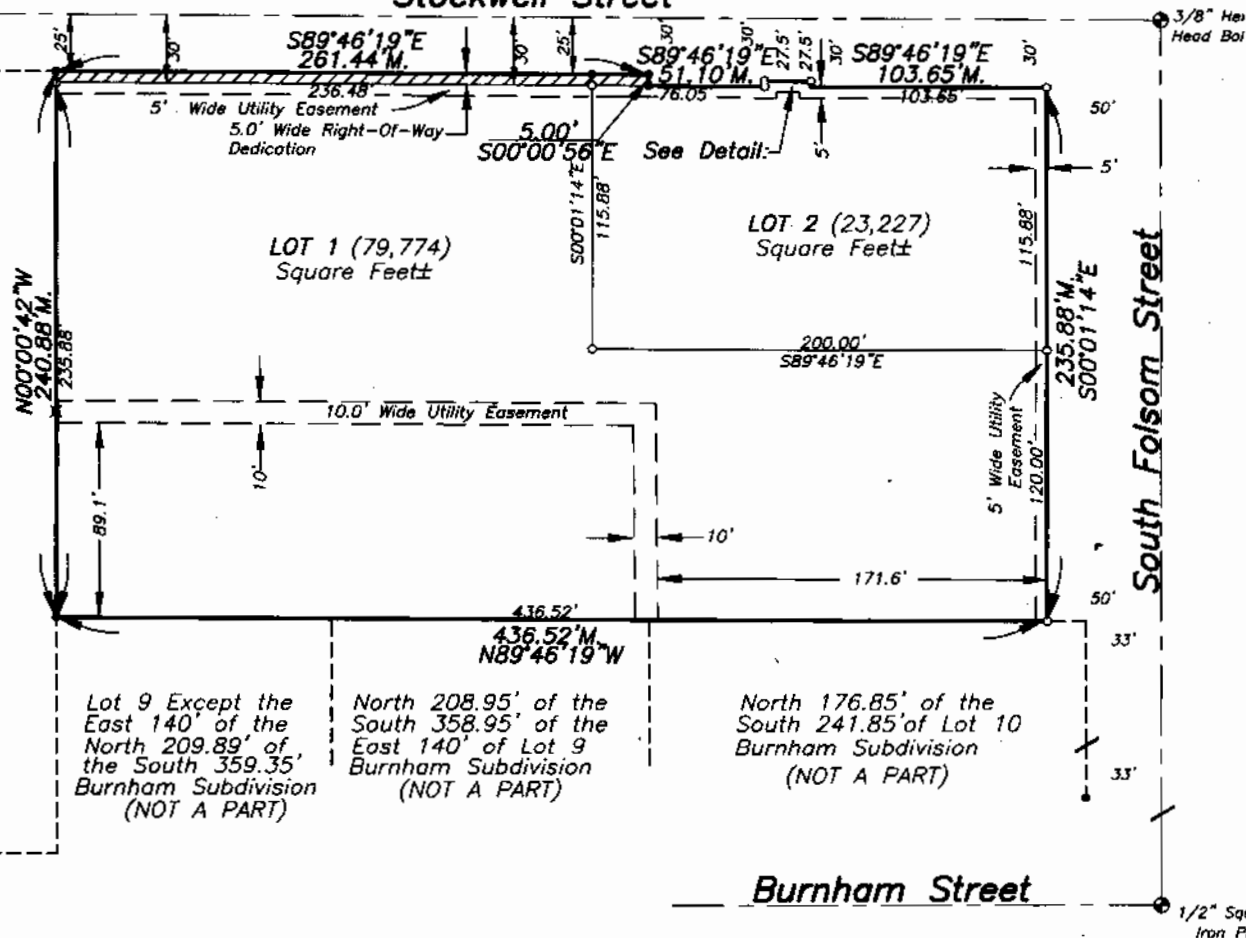


"BRAUN 1ST ADDITION"

Final Plat

Detail:
2.50' S89°46'19"E 20.30' 500'00"
N00°00'18"W

Stockwell Street



Burnham Street

DEDICATION:

The foregoing plat, known as "BRAUN 1st ADDITION", is made and in accordance with the desires of the undersigned sole easements shown thereon are hereby granted in perpetuity to Lincoln, Nebraska, a municipal Corporation, ALLTEL, Time Warr Advance/Newhouse, Aquila, their successors and assigns, to a the purposes of construction, reconstruction, repair, operation of wires, cables, conduits, fixtures, poles, towers, pipes and e distribution of electricity and gas, telephone and cable televisi collectors, storm drains water mains and all appurtenances li or under the easements as shown on the foregoing plat. Tl location of any building or structure, excluding fences, over, easement shown thereon shall be prohibited.

The Construction or location of any fence or other improvem which obstructs drainage shall be prohibited over, upon, or l any storm drain easement or drainage easement shown ther

The City of Lincoln, Nebraska, its successors or assigns are hereby held harmless for the costs of replacement or dama any improvement or vegetation over, upon, or under any eas shown thereon.

WITNESS OUR HANDS this _____ day of _____

Brant A. Braun
Brant A. Braun Husband

Joyce M. Braun
Joyce M. Braun

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Planning Director, pursuant to Section 26.11.060 of the Municipal Code, hereby approved the foregoing Plat.

This _____ day of _____, 2004

Planning Director

Memorandum

To:	Tom Cajka, Planning Dept.
From:	Dennis Bartels, Engineering Services
Subject:	Waivers for Braun's 1st Addition
Date:	April 9, 2004
cc:	Randy Hoskins

Engineering Services has the following comments concerning the proposed Braun's 1st Addition at the southwest corner of Stockwell and Folsom.

1. Based upon the same waivers being approved several months ago, Engineering Services does not object to waiver of sidewalks, community water, and curb and gutter paving for this addition outside the City limits.
2. The City has received a request to annex a portion of this neighborhood to provide City water. This annexation would likely include this subdivision.
3. Engineering Services recommends approval of a waiver the right-of-way dedication to 30' south of the Stockwell Street centerline in the vicinity of the existing garage located 1-1/2' into that 30'.

Memo



To: Tom Cajka, Planning Department

From: Mark Canney, Parks & Recreation

Date: April 14, 2004

Re: Waiver 04006

Staff members of the Lincoln Parks and Recreation Department have conducted a plan review of the above-referenced application/proposal and have the following comments:

1. Field inspection done 4/9/04 of 3921 Folsom the following is noted:

A. There is no existing curb or sidewalk on S. Folsom Street and the front yard has a mature honey locust tree and a 15' tall red maple adjacent to the right-of-way.

B. Stockwell Street is a gravel road and not paved with curb or sidewalk.

Recommend that waiver to plant street trees be granted due to the existing conditions as stated above.

If you have any additional questions, comments or concerns, please feel free to contact me at 441-8248. Thank you.

2-29-84

Tom

We would appreciate your consideration, in our request of the following waivers.

1. As regards to sidewalks and trees.

There are trees located on the properties along Tolson St. As for sidewalks, any existing sidewalks on Tolson St actually come to an end a mile and a half north of our property.

As for Stockwell Street, there are very few trees on any of our property. And for sidewalks, Stockwell

street is not much more than a lane and a half gravel road, approximately a quarter mile long that becomes a dead-end.

2. As for water supply, both properties are supplied by their own well systems.

And are on a public sewer system.

3. As for the 30' rightway on Stackwell Street. All property involved would be fine, except for the fact there is garage located on the property that is a foot and a half

inside of the right way.

The garage is attached to a foundation and was built at the same as the parent house, some 70 or 80 years ago.

The request for the Utility right away is also fine.

Thank Again

For all of your time and cooperation in this project.

Just I Beauty